

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

Old National Bank, successor-by-merger to )  
First Midwest Bank )

Plaintiff, )

v. )

Backbase Services USA, Inc., and )  
Backbase U.S.A., Inc. )

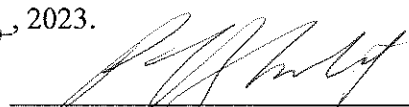
Case No. 22-cv-10100-PKC

**Proposed FRE 502(d) Order**

1. The production of privileged or work-product protected documents, electronically stored Information ("ESI") or information, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding. This Order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d).

2. Nothing contained herein is intended to or shall serve to limit a party's right to conduct a review of documents, ESI or information (including metadata) for relevance, responsiveness and/or segregation of privileged and/or protected information before production.

**SO ORDERED** this 13 day of February, 2023.

  
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Judge P. Kevin Castel, U.S.D.J.

Copies by ECF to all counsel